

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO: 04-10246

LORENZO GUARINO,
Plaintiff

v.

R.W. GRANGER AND SONS, INC.,
SCAVONE C&M CONSTRUCTION CO., INC.,
Defendants

JOINT MOTION TO CONTINUE TRIAL

The Plaintiff and Defendants hereby jointly move to continue the trial approximately one-hundred twenty days (120) days from May 15, 2006 to September 18, 2006 or other date convenient to the Court. As grounds therefor, the parties state that this action concerns a trip and fall on a construction site at the old Rochester High School in Mattapoisett, Massachusetts involving the Plaintiff, Lorenzo Guarino, on February 5, 2002. As a result of the accident, Mr. Guarino fractured his right ankle in the fall. Since that time, he has undergone several surgical procedures and continues medical treatment and awaits an additional surgical procedure to his right ankle which is anticipated to take place in the immediate future.

Recently, an Appearance and Answer was filed on behalf of the Defendant, Scavone C&M Construction Co., Inc., after a Motion to Remove Default was allowed by the Court. The Answer was filed on February 22, 2006. The Defendant seeks to do limited discovery prior to trial.

In addition, available information suggests that another potential Third-Party Defendant, Fenestration Architectural Products, LLC, the Plaintiff's employer, which

apparently entered into an indemnification agreement with the general contractor, R.W. Granger and Sons, Inc.


Further, the Defendant seeks to have the Plaintiff examined by a physician pursuant to Rule 35 of the Federal Rules of Civil Procedure.

The parties seek this additional time in an attempt to discover, evaluate and determine whether this case can be resolved short of trial through mediation.


The parties state that the allowance of this motion will not prejudice any party.

WHEREFORE, the parties request that the Court continue the trial presently scheduled for May 15, 2006 to September 18, 2006 or other convenient date for the Court.


Respectfully submitted,
The Plaintiff,
Lorenzo Guarino,
By his attorneys,


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The Defendant,
Scavone C&M Construction Co., Inc.
By its attorneys,


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The Defendant,
R.W. Granger and Sons, Inc.
By its Attorneys,


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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing pleading on all parties by electronic service, to all counsel of record.
Signed under the pains and penalties of perjury.

DATED: April 13, 2006
